

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-17696
Date Received: 8/21/1989
Receipt No: COD 9974
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS CHARTERS 208-495-2772
Address: 14144 S. CAN-ADA ROAD
MELBA, ID 83641

AND/OR

Name: LINDA CHARTERS 208-495-2772
Address: 14144 S. CAN-ADA ROAD
MELBA, ID 83641

2. Date of Priority: APR 15, 1920

3. Source: WASTE WATER Trib. to: JENSEN LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	01W	6	NW	NW	SE		ADA

5. Description of diverting works:
DIRT DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-17696

Page 1

Date: 08/21/89

SCANNED
APR 14 2008

MICROFILMED
AUG 26 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	01W	6	SE	SW		IRR	10.0
			SW	SE		IRR	10.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BOISE-KUNA IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -/-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dennis C. Carter Date: Aug 21, 1989
Linda J. Carter Date: 8/21/89

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of August 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

10
A 63 - 17696

Y5

R2W RIW

WALTERS BUTTE QUADRANGLE
IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)



TIN

TIS

P.D.

p.u.

MICROFILMED

AUG 26 1992

RECEIVED

NOV 22 2004

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.RECEIVED
DEC - 3 2004
DEPARTMENT OF
WATER RESOURCES

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
25 ⁰⁰	63-17693	Partial Decree -	25 ⁰⁰	63-11458	63-11458 -
25 ⁰⁰	63-17694	Partial Decree -			
no fee	63-17695	63-17695 -			
no fee	63-17696	63-17696 -			
no fee	63-17697	63-17697 -			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) RIO RANCH ESTATES L.L.C.
14144 S CAN-ADA RD. MELBA ID. 83641
4. New Owner/Claimant(s) HILL WAY INC. IDAHO CORP.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. BOX 1979 SAN MATEO
- City, State and ZIP Code SAN MATEO Ca 94401
- New Telephone Number (650) 696-8375 - Fax 650-696-8375
5. Date you acquired the property July 28 and Sept 15-2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	N/A	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	N/A	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Hill Way Inc. - a Idaho Corporation
(include title if applicable) By: Trevor C. Roberts, Sec.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DAN Date 11-22-04 Fee \$ 75.00
 Received by DAN Date 11-22-04 Receipt No. W032417
 Processed by _____ AJ Date _____ WR _____ Date _____

Point

HEL 5
107.0

36 31

16

1763
1A 10.8
HEL/NW

T1764
HEL

T1875

HEL/NW 3
31.4

HEL

HEL

2.6

34
5.1

HEL/NW 13
43.1

HEL/NW 38
20.8

HEL 43
7.8
113.5

T1765

HEL/NW 2
17.8

HEL/NW 1
11.7

T1766

HEL 2
7.7

HEL 5
5.3

HEL 3
13.9

HEL 4
4.4

HEL 6
8.8

HEL 3
3.3

HEL 5
5.5

HEL 4
17.0

HEL 7
9.5

HEL 9
5.3

HEL 6
15.9

HEL 7
7.7

HEL 2
2.2

NHEL/W 8
10.5

HEL 8
13.2

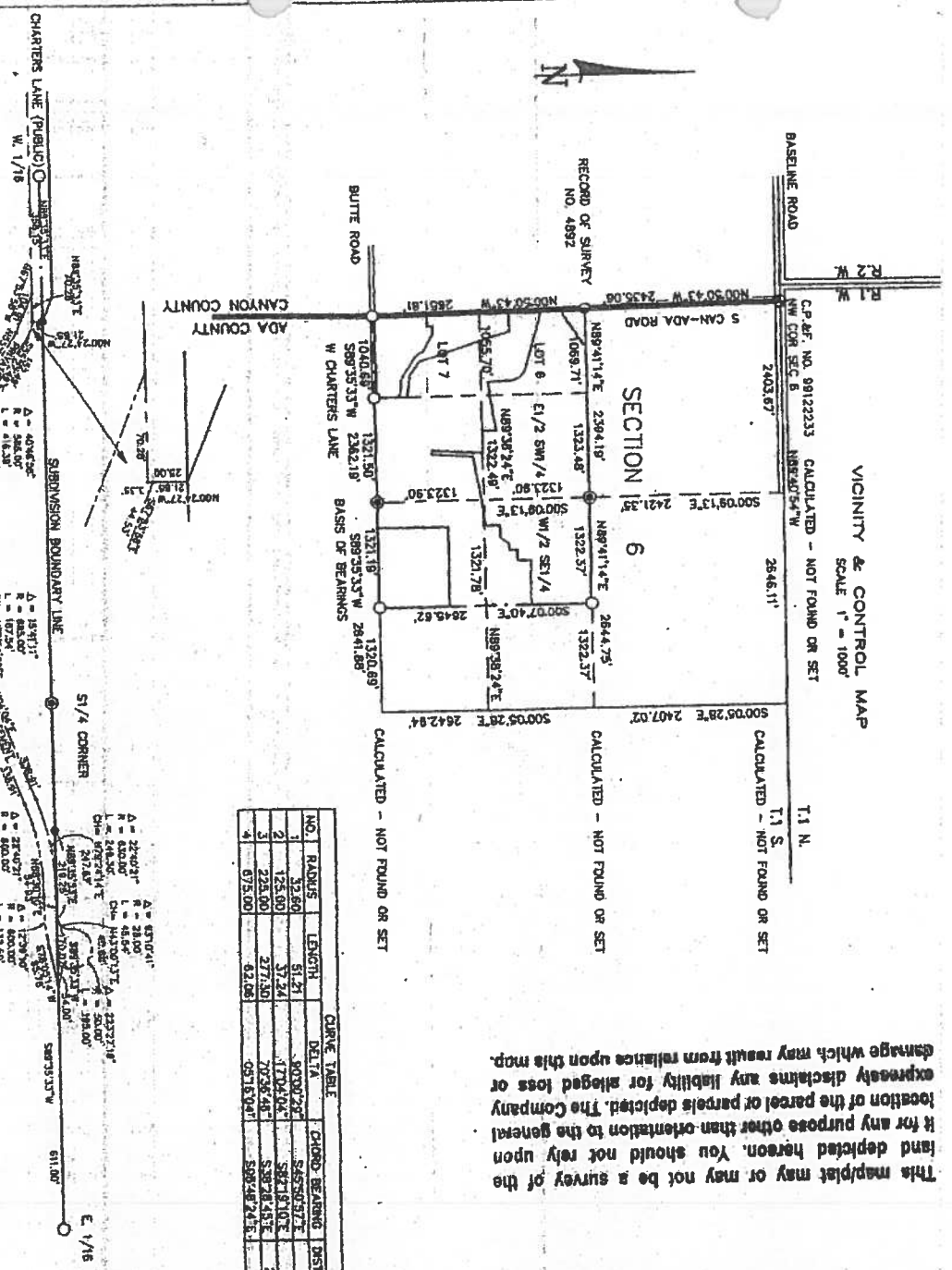
HEL 10
1.1

CHARTERS

16
12

RIO RANCH ESTATES SUBDIVISION W 1/2 SEC 1/4, E 1/2 SW 1/4, AND LOTS 6 & 7 OF SECTION 6, T.1 S., R.1 W., B.M., ADA COUNTY, IDAHO 2004

VICINITY & CONTROL MAP
SCALE 1" = 1000'



This map depicts may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. The Company expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.

NO.	RADIUS	LENGTH	CURVE TABLE	DELTA	CURVE BEARING	DISTANCE
1	32.00	51.24	100.000000	17.0454	58.718481	46.11
2	125.00	37.24	170.454	17.0454	58.718481	37.10
3	225.00	27.50	70.2646	17.0454	58.718481	26.08
4	675.00	62.06	95.1504	17.0454	58.718481	62.04

NO.	BEARING/DIST	WASTE LATERAL
1	S 89° 41' 14" E 102.46'	A
2	S 41° 31' 24" E 200.45'	B
3	S 41° 31' 24" E 200.45'	C
4	S 00° 07' 40" E 425.00'	D
5	S 89° 41' 14" E 102.46'	E
6	S 72° 28' 08" W 68.44'	F
7	S 54° 35' 38" W 71.04'	G
8	S 88° 54' 00" W 68.02'	H
9	S 59° 18' 45" W 68.02'	I
10	S 77° 01' 51" W 35.12'	J
11	S 54° 31' 58" E 12.02'	K
12	S 29° 39' 24" W 85.17'	L
13	S 80° 43' 04" E 88.26'	M
14	S 10° 18' 23" W 64.72'	N
15	S 81° 53' 24" W 100.66'	O
16	S 81° 53' 24" W 100.66'	P
17	S 28° 54' 28" W 60.83'	Q
18	S 10° 14' 40" E 38.07'	R
19	S 88° 54' 00" W 68.02'	S
20	S 89° 41' 14" E 102.46'	T

NO.	BEARING/DIST	WASTE LATERAL
1	S 72° 44' 30" W 121.97'	A
2	S 89° 41' 14" E 102.46'	B
3	S 41° 31' 24" E 200.45'	C
4	S 41° 31' 24" E 200.45'	D
5	S 00° 07' 40" E 425.00'	E
6	S 89° 41' 14" E 102.46'	F
7	S 72° 28' 08" W 68.44'	G
8	S 54° 35' 38" W 71.04'	H
9	S 88° 54' 00" W 68.02'	I
10	S 59° 18' 45" W 68.02'	J
11	S 77° 01' 51" W 35.12'	K
12	S 54° 31' 58" E 12.02'	L
13	S 29° 39' 24" W 85.17'	M
14	S 80° 43' 04" E 88.26'	N
15	S 10° 18' 23" W 64.72'	O
16	S 81° 53' 24" W 100.66'	P
17	S 81° 53' 24" W 100.66'	Q
18	S 28° 54' 28" W 60.83'	R
19	S 10° 14' 40" E 38.07'	S
20	S 88° 54' 00" W 68.02'	T

NOTES:

- MINIMUM BUILDING SETBACKS: 30 FT. FROM FRONT LOT LINES
25 FT. FROM SIDE LOT LINES
25 FT. FROM REAR LOT LINES
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE IDAHO ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- CAN-ADA ROAD IS A PUBLIC ROAD, THE EAST HALF BEING IN ADA COUNTY AND THE WEST HALF BEING IN CANYON COUNTY. IT IS MAINTAINED BY CANYON COUNTY AND HAS A 50 FOOT WIDE RESERVE. THE PLAT DEDICATES THE EAST HALF OF THE LOT BEING A RIGHT OF WAY 25 FEET WIDE FROM CENTERLINE FOR SAID ROAD.
- ALL LOT AND BOUNDARY LINES HAVE A 12 FT. PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT.
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO ZONING REGULATIONS IN EFFECT AT THE TIME OF THE DAVID CODE CONCERNING IRRIGATION WATER.
- LOT 2 OF BLOCK 1 IS AN EXISTING CATTLE FEEDING OPERATION LOT WHICH WILL CONTINUE OPERATION.
- LOT 5, BLOCK 1 IS A PARGE-AGRICULTURAL PLANT GROUND LOT WHICH WILL CONTINUE OPERATION. THE BUILDING WILL BE PERMITTED ON THIS LOT WITHOUT FUTURE ADDITIONAL SUBDIVISION AND PERMIT APPROVAL FROM ADA COUNTY DEVELOPMENT SERVICES. NONRESIDENTIAL STRUCTURES OF A FARMING NATURE WILL BE ALLOWED.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE 22-4501, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL, OPERATIVE OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING HOUSING, INDUSTRIAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN. PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLECTFUL OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."

ACCESS EASEMENT: INST. NO. 94007657 AND INST. NO. 104012239

ACCESS EASEMENT DETAILS
SCALE 1" = 200'



RIO RANCH ESTATES SUBDIVISION

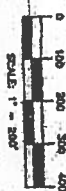
W1/2 SE1/4, E1/2 SW1/4, AND LOTS 6 & 7 OF SECTION 6, T1 S., R1 W., B.M.,
ADA COUNTY, IDAHO
2004

UNPLATTED

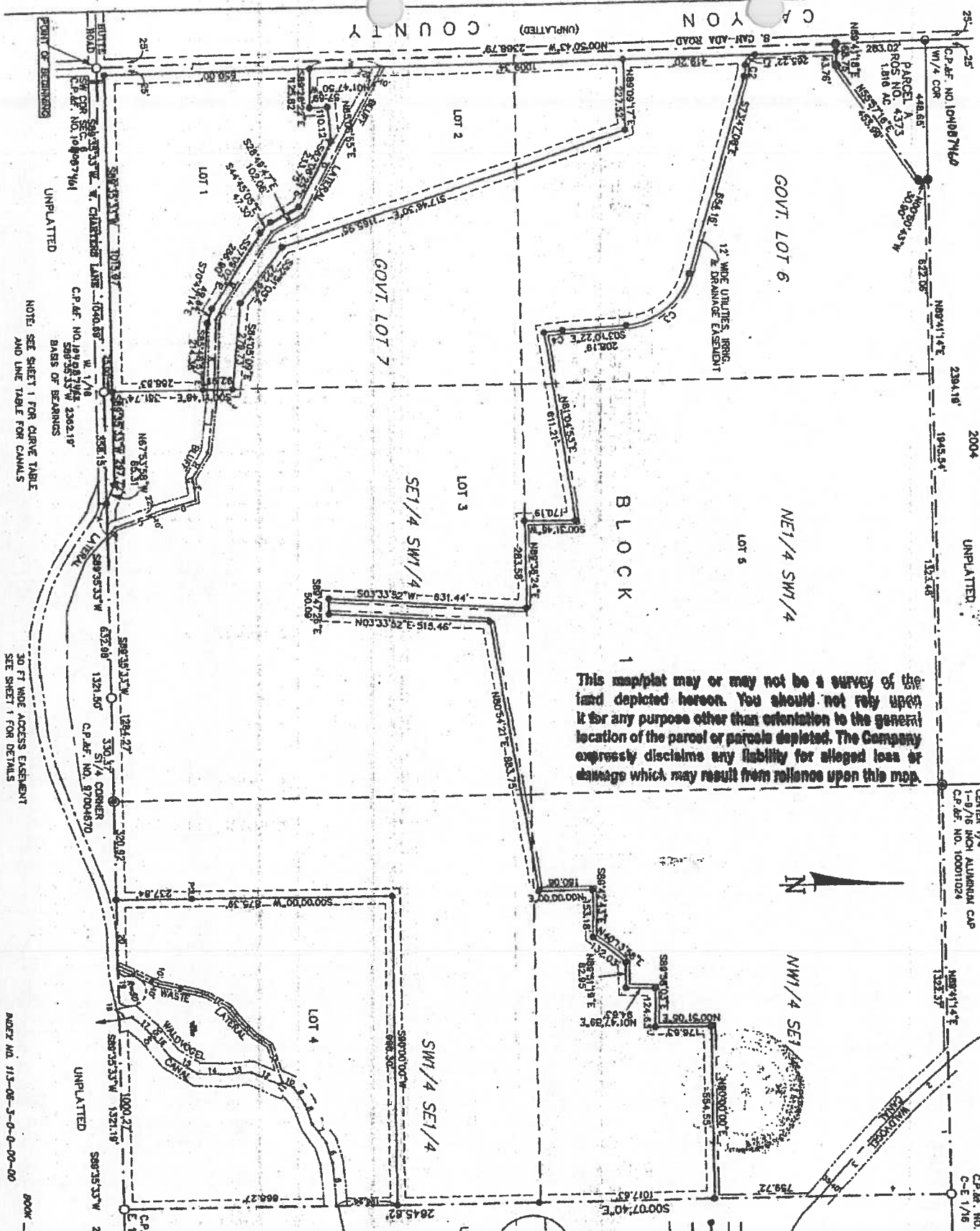
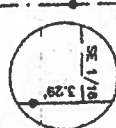
CENTER 1/4
1-9/16 INCH ALUMINUM CAP
C.P. REF. NO. 100011024

C.P. REF. NO. 100011023
C-E 1/16

This map/plot may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. The Company expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.



- LEGEND**
- ◆ FOUND BRASS CAP
 - FOUND P.V. W/ASHER LS 3627
 - 1 9/16 INCH ALUM CAP
 - ON 5/8 INCH REBAR
 - FOUND 5/8 INCH REBAR
 - SET 5/8 INCH REBAR
 - 30 INCHES LONG LS 5001
 - SET 1/2 INCH REBAR
 - 24 INCHES LONG LS 5001
 - CALCULATED POINT NOT SET
- EASEMENT LINE
— SET BACK LINE
— LOT LINE
— SUBDIVISION
— BOUNDARY LINE
— RIGHT OF WAY LINE



NOTE: SEE SHEET 1 FOR CURVE TABLE AND LINE TABLE FOR CANALS

30 FT WIDE ACCESS EASEMENT
SEE SHEET 1 FOR DETAILS

ADDER NO. 113-06-3-0-0-00-00

RIO RANCH ESTATES SUBDIVISION
W/2 SE1/4, E1/2 SW1/4, AND LOTS 6 & 7 OF SECTION 6, T4 S, R1 W, B.M.,
ADA COUNTY, IDAHO
2004

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT RIO RANCH ESTATES LLC, AN IDAHO LIMITED LIABILITY COMPANY, IS THE OWNER OF A CERTAIN PARCEL OF LAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The W/2 SE1/4, the E1/2 SW1/4, Government Lot 7 and a portion of Government Lot 6 of Section 6, T4 S, R1 W, B.M., Ada County, Idaho, sold tract of land being more particularly described as follows:

Beginning at the southwest corner of said Section 6, in the intersection of Con-Ada Road and Butte Road; thence, N.00°50'43"W., 2288.79 feet along the west line of said Section (centerline of Con-Ada Road) to a 5/8 inch rebar set S.00°50'43"E., 28.102 feet from the W1/4 corner of said Section 6; thence,

N.89°41'18"E., 68.78 feet along the southerly line of Parcel A as shown on Record of Survey No. 4892; thence,

N.55°57'16"E., 453.99 feet along the southeasterly line of said Parcel A; thence,

N.00°50'43"W., 30.890 feet along the easterly line of said Parcel A to a 5/8 inch rebar set in the northerly line of said Government Lot 6; thence,

N.89°41'18"E., 1945.54 feet along the north line of said Lot 6 and along the north line of said E1/2 SW1/4 to an aluminum cap monument at the center 1/4 corner of said Section 6; thence,

N.89°41'18"E., 1322.37 feet along the north line of said W1/2 SE1/4 to a 5/8 inch rebar of the C-E 1/16th corner (northeast corner of said W1/2 SE1/4); thence,

S.00°07'40"E., 3545.62 feet along the east line of said W1/2 SE1/4 to a 5/8 inch rebar of the E 1/16th corner (southeast corner of said W1/2 SE1/4); thence,

S.89°35'33"W., 1321.19 feet along the south line of said Section 6 to an aluminum cap monument of the S1/4 corner of said Section 6; thence,

S.89°35'33"W., 2562.19 feet along said line of Section 6 to the POINT OF BEGINNING, sold tract of land containing 0.220,091 acre, more or less.

THE OWNER DOES HEREBY DEMAND TO THE PUBLIC FOR PUBLIC USE, FOR THE EAST HALF OF CON-ADA ROAD AND THE NORTH HALF OF CHARTER 100, AS SHOWN ON THE PLAT, THE PRIVATE ACCESS ROAD SERVING LOT 4, IS NOT DEDICATED TO THE PUBLIC BUT ESSENTIAL FOR UTILITY AND EMERGENCY VEHICLE ACCESS ARE HEREBY RESERVED. BUT THE PUBLIC UTILITY AND EMERGENCY VEHICLE ACCESS ARE NOT DEDICATED TO THE PUBLIC BUT RIGHT OF ACCESS TO AND USE OF PUBLIC UTILITY AND EMERGENCY VEHICLE ACCESS ARE RESERVED TO SERVICE ALL LOTS AND PARCELS WITHIN THIS PLATING IS HEREBY RESERVED.

NONE OF THE LOTS IN THIS PLAT WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM ANY MUNICIPAL OR COMMUNITY SOURCE, BUT WILL INSTEAD BE EACH SERVED BY AN INDIVIDUAL PRIVATE WELL AND AN INDIVIDUAL PRIVATE SEPTIC SYSTEM.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 17 DAY OF May, 2004.

RIO RANCH ESTATES LLC
DENNIS CHAMBERS, Managing Member

ACKNOWLEDGMENTS
STATE OF IDAHO
COUNTY OF ADA
ON THIS 17th DAY OF May, 2004, BEFORE ME, LORRAINE L. STANLEY, a Notary Public, personally appeared DENNIS CHAMBERS, known to me to be the Managing Member of RIO RANCH ESTATES LLC, the LIMITED LIABILITY COMPANY THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT SAID COMPANY EXECUTED THE SAME.

CERTIFICATE OF SURVEYOR

I, JOHN S. AUSTIN, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THIS SUBDIVISION PLAT, AS DESCRIBED IN THE "CERTIFICATE OF OWNERS", WAS DRAWN FROM A REPRESENTATION OF THE GROUND UNDER MY SUPERVISION, AND THIS PLATING IS IN ACCORDANCE WITH THE PLANS PLATTED THEREON, AND THAT I HAVE COMPLIED WITH THE REQUIREMENTS OF TITLE 54, CHAPTER 14, CONVEYANCE, PLATIFICATION AND PLANNING, AND TITLE 54, CHAPTER 13, PLATS AND SURVEYS, OF THE IDAHO STATE CODE.

JOHN S. AUSTIN
P.L.S. 5081

APPROVAL OF COUNTY SURVEYOR

I, THE UNDERSIGNED COUNTY SURVEYOR, IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS SUBDIVISION PLAT AND THAT IT IS IN COMPLIANCE WITH STATE OF IDAHO CODE, TITLE 54, CHAPTER 14, CONVEYANCE, PLATIFICATION AND PLANNING, AND TITLE 54, CHAPTER 13, PLATS AND SURVEYS.

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED COUNTY TREASURER, IN AND FOR THE COUNTY OF ADA, IDAHO, PER THE REQUIREMENTS OF STATE OF IDAHO CODE, TITLE 54, CHAPTER 13, SECTION 50-1204, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THE SUBDIVISION PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT (30) DAYS.

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE ADA COUNTY HIGHWAY DISTRICT, ON THE 22nd DAY OF May, 2004.



APPROVAL OF COUNTY COMMISSIONERS

ACCEPTED AND APPROVED THIS 17th DAY OF May, 2004, BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO.



CERTIFICATE OF RECORDER

STATE OF IDAHO
COUNTY OF ADA
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF DENNIS CHAMBERS, MANAGING MEMBER OF RIO RANCH ESTATES LLC, ON THIS 21st DAY OF May, 2004, IN BOOK 83 OF PLATS AT PAGE 1247, FROM INSTRUMENT NO. 10000424.



I, JOHN AUSTIN, COUNTY CLERK, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF DENNIS CHAMBERS, MANAGING MEMBER OF RIO RANCH ESTATES LLC, ON THIS 21st DAY OF May, 2004, IN BOOK 83 OF PLATS AT PAGE 1247, FROM INSTRUMENT NO. 10000424.

This mapsheet may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. The Company expressly disclaims any liability for alleged loss or damages which may result from reliance upon this map.

JOHN AUSTIN
COUNTY CLERK
1000 S. CAMPBELL ST.
BOISE, ID 83725
208-371-4000

44

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 07/29/04 04:30 PM
DEPUTY NEAVA HANEY
RECORDED - REQUEST OF
First American
AMOUNT 6.00

2

5/2

AFTER RECORDING MAIL TO:



Great Sky Inc.
P.O. Box 1979
San Mateo, CA 94401

NC5. 77990

WARRANTY DEED

File No.: 4101-346416 (DA)

Date: July 28, 2004

For Value Received, **Rio Ranch Estates, LLC, a Idaho Limited Liability Company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Great Sky Inc., a Idaho Corporation and Trevor C. Roberts, an unmarried man**, hereinafter referred to as Grantee, whose current address is **P.O. Box 1979, San Mateo, CA 94401**, the following described premises, situated in **Ada County, Idaho**, to wit:

Lots 3 and 5, Block 1 Rio Ranch Estates Subdivision, according to the plat thereof filed in Book 89 of Plats at Pages 10317 through 10319, records of Ada County, Idaho TOGETHER WITH rights of way contained in Grant of Right of Way recorded January 7, 1994, as Instrument No. 94007657, records of Ada County, Idaho

APN:

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

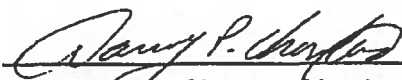
APN:

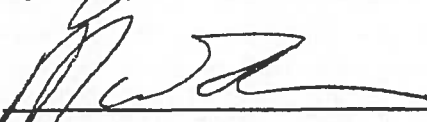
Warranty Deed
- continued

File No.: **4101-346416 (DA)**
Date: **07/28/2004**

Rio Rancho Estates, LLC, an Idaho Limited
Liability Company


By: Dennis P. Charters, Member

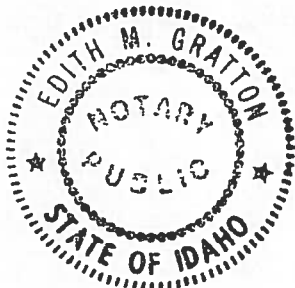

By: Danny P. Charters, Member

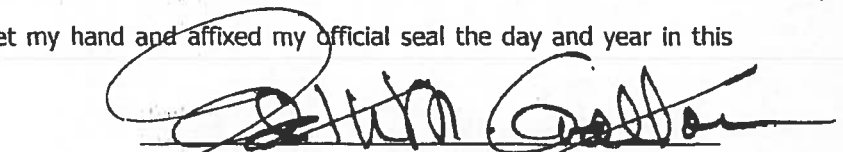

By: Marie E. Charters, Member

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this Twenty-eighth day of July, 2004, before me, a Notary Public in and for said State, personally appeared **Dennis P. Charters, Danny P. Charters and Marie E. Charters**, known or identified to me to be the person whose name is subscribed to the within instrument as ~~MEMBERS~~ of the **Rio Ranch Estates, LLC**, limited liability company, and acknowledged to me that such limited company executed same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 10-1-04

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/05/04 04:26 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
First American

AMOUNT 6.00 2



AFTER RECORDING MAIL TO:

Hill Way, Inc.
P.O. Box 1979
San Mateo, CA 94401

WARRANTY DEED

File No.: NCS-115044-BOI (eg)

Date: September 15, 2004

For Value Received, **Rio Ranch Estates, LLC, an Idaho Limited Liability Company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Hill Way, Inc., an Idaho corporation**, hereinafter referred to as Grantee, whose current address is **P.O. Box 1979, San Mateo, California 94401**, the following described premises, situated in **Ada County, Idaho**, to wit:

Lot 1 in Block 1 of Rio Ranch Estates Subdivision, according to the plat thereof filed in Book 89 of Plats at pages 10317 through 10319, records of Ada County, Idaho. TOGETHER WITH all Easements and Rights of Record.

APN:

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

APN:

Warranty Deed
- continued

File No.: NCS-115044-BOI (eg)
Date: 09/15/2004

Rio Ranch Estates, LLC, an Idaho Limited
Liability Company

Dennis P. Charters

By: Dennis P. Charters, Member

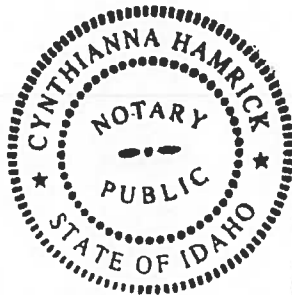
Linda Charters

By: Linda Charters, Approved for sale

STATE OF Idaho)
ss.
COUNTY OF Ada)

On this Fifteenth day of September, 2004, before me, a Notary Public in and for said State, personally appeared **Dennis P. Charters**, known or identified to me to be the person whose name is subscribed to the within instrument as **Manager/Member** of the **Rio Ranch Estates, LLC**, limited liability company, and acknowledged to me that such limited company executed same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cynthia Hamrick

Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires:

9-11-09

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/05/04 04:26 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
First American

AMOUNT 6.00 2



104127706

AFTER RECORDING MAIL TO:

Hill Way, Inc.
P.O. Box 1979
San Mateo, CA 94401

WARRANTY DEED

File No.: **NCS-115041-BOI (eg)**

Date: **September 15, 2004**

For Value Received, **Rio Ranch Estates, LLC, an Idaho Limited Liability Company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Hill Way, Inc., an Idaho corporation**, hereinafter referred to as Grantee, whose current address is **P.O. Box 1979, San Mateo, California 94401**, the following described premises, situated in **Ada County, Idaho**, to wit:

Lot 2 in Block 1 of Rio Ranch Estates Subdivision, according to the plat thereof filed in Book 89 of Plats at pages 10317 through 10319, records of Ada County, Idaho. TOGETHER WITH all Easements and Rights of Way of Record.

APN:

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

APN:

Warranty Deed
- continued

File No.: **NCS-115041-BOI (eg)**
Date: **09/15/2004**

Rio Ranch Estates, LLC, an Idaho Limited
Liability Company

Dennis P. Charters

By: Dennis P. Charters, Member

Linda Charters

By: Linda Charters, Approved for sale

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this Fifteenth day of **September, 2004**, before me, a Notary Public in and for said State, personally appeared **Dennis P. Charters**, known or identified to me to be the person whose name is subscribed to the within instrument as **Manager/Member** of the **Rio Ranch Estates, LLC**, limited liability company, and acknowledged to me that such limited company executed same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cynthia Hamrick

Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 9-11-09

Idaho Department of Water Resources Receipt

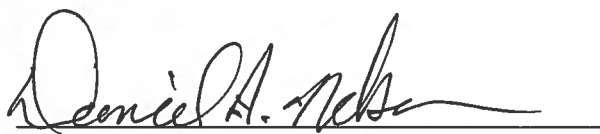
Receipt ID W032417

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155



Signature Line (Dept. Representative)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17693

WATER RIGHT NUMBER: 63-17693

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772

Priority Date: 12/20/1920

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.190 CFS	
<u>Total Diversion:</u>		0.230 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW1/4	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	01W	6												X					

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	01W	6												X					

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-17693

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 8/21/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17694

2500

WATER RIGHT NUMBER: 63-17694

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772

Priority Date: 12/20/1920

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.190 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

GROUND WATER	L7 (NW1/4SW1/4SW1/4)	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6											X						

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6											X						

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17694

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 8/21/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17695

WATER RIGHT NUMBER: 63-17695

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	RIO RANCH ESTATES LLC 14144 S CAN ADA RD MELBA, ID 83641 (208) 495-2772

Priority Date: 04/15/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	JENSEN LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.000 CFS	
<u>Total Diversion:</u>		1.400 CFS	

Location of Point(s) of Diversion

WASTE WATER	L6 (NE1/4NW1/4SW1/4)	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6									10.0	10.0							20.0
											L 6	L 7							

Total Acres: 20

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17695

Comments:

Dates and Other Information:

Claim Received Date: 8/21/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17696

WATER RIGHT NUMBER: 63-17696

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Original Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	RIO RANCH ESTATES LLC 14144 S CAN ADA RD MELBA, ID 83641 (208) 495-2772

Priority Date: 04/15/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	JENSEN LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	11/15	1.000 CFS	
<u>Total Diversion:</u>			0.800 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4NW1/4SE1/4	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6												10.0				10.0	20.0

Total Acres: 20

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17696

Comments:

Dates and Other Information:

Claim Received Date: 8/21/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17697

WATER RIGHT NUMBER: 63-17697

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RIO RANCH ESTATES LLC 14144 S CAN ADA RD MELBA, ID 83641 (208) 495-2772
Current Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Original Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772

Priority Date: 04/15/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	JENSEN LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4NW1/4SE1/4	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6															10.0		10.0

Total Acres: 10

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-17697

Comments:

Dates and Other Information:

Claim Received Date: 8/21/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-11458

WATER RIGHT NUMBER: 63-11458

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Current Owner	RIO RANCH ESTATES LLC 14144 S CAN ADA RD MELBA, ID 83641 (208) 495-2772

Priority Date: 02/21/1991

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.650 CFS	652.50 AF
	<u>Total Diversion:</u>	1.650 CFS	652.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6																	
											40.0	30.0	10.0	15.0		40.0	10.0		145.0
											L 6	L 7							

Total Acres: 145

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1. General The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-11458

Comments:

1. VAULT 3/9/1992 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

2. GUSTAFSO 3/30/1992 15 DAY CALL UP

Comment: STILL NO WELL DRILLING INFO

3. kwalker 5/19/2004 Ownership Change

Comment: Changed ownership of this right for Mr. Charters today. He is planning to subdivide the property and planning and zoning required the water right to be changed to the new name before his subdivision plat could be approved. I changed the ownership and gave him a copy of water right report showing the name change this morning.

Dates and Other Information:

Licensed Date: 9/9/1994

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-17696

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 23 2009

NAME AND ADDRESS:

HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO, CA 94401

SOURCE:

WASTE WATER TRIBUTARY: JENSEN LAKE

THE SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF
WATER MAY BE DISCONTINUED AT ANY TIME.

QUANTITY:

0.30 CFS

PRIORITY DATE:

04/15/1920

POINT OF DIVERSION:

T01S R01W S06

NWNWSE Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 11-15

QUANTITY
0.30 CFS

PLACE OF USE:

Irrigation
T01S R01W S06
15.2 Acres Total

SESW 7.6

Within Ada County
SWSE 7.6

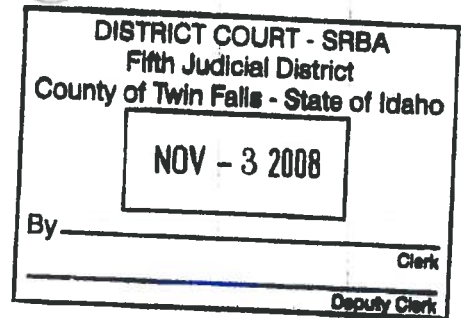
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) **SPECIAL MASTER'S REPORT**
)
) **FINDINGS OF FACT AND**
) **CONCLUSIONS OF LAW**
)
) **FOR WATER RIGHTS 63-17695,**
) **63-17696, and 63-17697**

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 18, 2007, the Boise-Kuna Irrigation District, through its attorney Shelly M. Davis, filed objections to the *Director's Report*, asserting that the source of the rights should be described as wastewater. On September 25, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

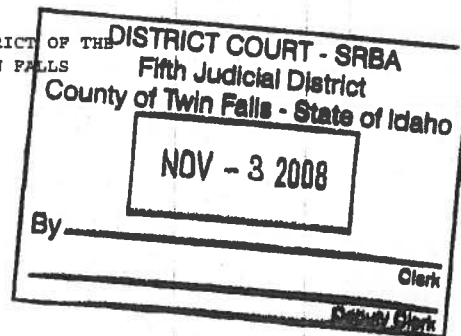
II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 63-17695, 63-17696, and 63-17697 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated Nov. 3, 2008

Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
)
) Water Right 63-17696

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO, CA 94401

SOURCE: WASTE WATER TRIBUTARY: JENSEN LAKE

THE SOURCE OF THIS WATER RIGHT IS WASTE WATER. THE WASTING OF
WATER MAY BE DISCONTINUED AT ANY TIME.

QUANTITY: 0.30 CFS

PRIORITY DATE: 04/15/1920

POINT OF DIVERSION: T01S R01W S06 NWNSE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.30 CFS

PLACE OF USE:	Irrigation		Within Ada County
	T01S R01W S06	SESW 7.6	SWSE 7.6
	15.2 Acres Total		

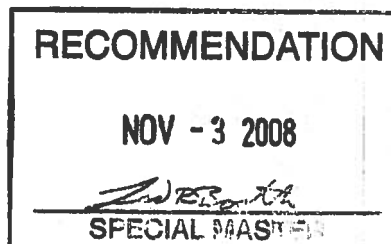
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

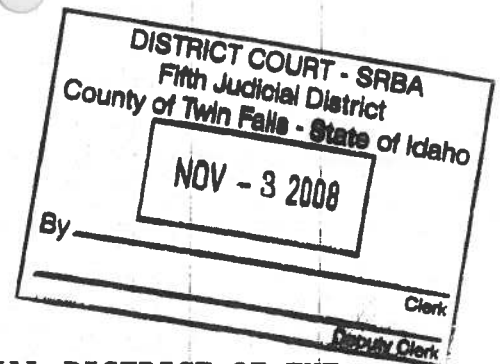
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

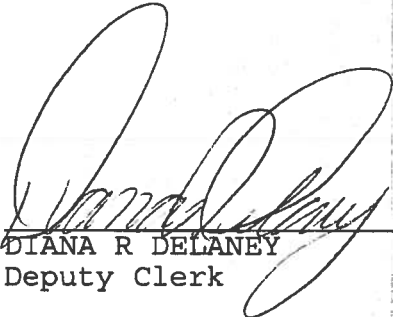
Water Right(s): 63-17695
63-17696 63-17697

On November 03, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

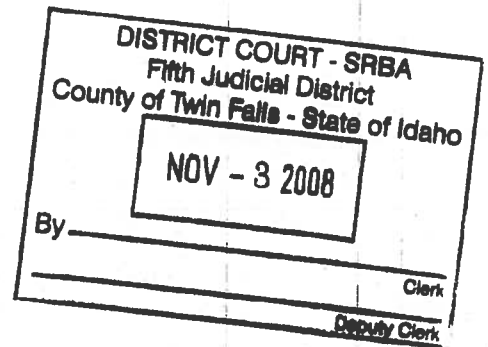
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 03, 2008.



DIANA R DELANEY
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 63-17695

63-17696 63-17697

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 03, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HILL WAY INC IDAHO CORP
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CERTIFICATE OF MAILING

PAGE 1
11/03/08

BOISE KUNA IRRIGATION DIST

Represented by:

SHELLEY M DAVIS

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

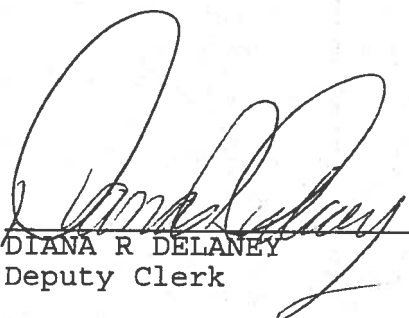
Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724



DIANA R DELANEY

Deputy Clerk

1955

2000 SEP 25 PM 10 42

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 63-17696
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

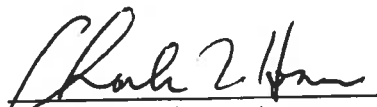
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT
Hill Way, Inc. Idaho Corp.

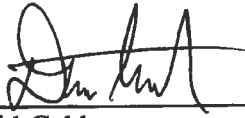
OBJECTOR
Boise Kuna Irrigation District


Charles Honsinger, Attorney
9/5/08
Date


Shelley M. Davis, Attorney
Aug. 18. 08
Date

RESPONDENT

United States on behalf of
Bureau of Reclamation



9/15/08

David Gehlert

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:



8-20-08

IDWR Agent

Date



9-23-08

Nicholas Spencer

Date

Deputy Attorney General

08/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17696

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER TRIBUTARY: JENSEN LAKE

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.300 CFS

PRIORITY DATE: 04/15/1920

POINT OF
DIVERSION:

T01S R01W S6 NWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.300 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06	SESW	7.60	T01S R01W S06	SWSE	7.60
---------------	------	------	---------------	------	------

15.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.

CERTIFICATE OF MAILING

I certify that on 9/24, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

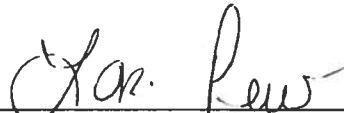
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

HILL WAY INC IDAHO CORP

PO BOX 1979
SAN MATEO, CA 94401
Phone: 650-696-8375

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form

2008 AUG 04 AM 11:46
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
		SUBCASE NOS: 63-17695	63-17696
		63-17697	

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, AUGUST 12, 2008 at 03:45 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: AUGUST 04, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 8/04/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on AUGUST 04, 2008, with sufficient first-class postage to the following:

HILL WAY INC IDAHO CORP

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

RECEIVED

MAY 06 2008
DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-17695 63-17696
		63-17697

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 06, 2008 at 01:30 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:

SHELLEY M DAVIS

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

HILL WAY INC IDAHO CORP

PO BOX 1979

SAN MATEO, CA 94401

Phone: 650-696-8375

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) A. Subcase 63-17696
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 North School Avenue
Kuna, ID 83634
Daytime Phone: 208-922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Hill Way Inc. Idaho Corp.
Address: PO Box 1979
San Mateo, CA 94401

SCANNED
APR 14 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Boise-Kuna Irrigation District.

3. ☐ **Quantity** ☐

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
County of Blaine)ss.

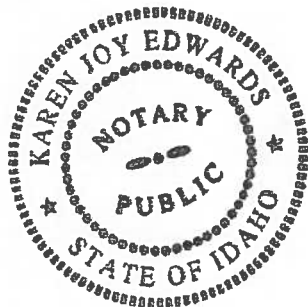
Shelly A. Davis, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Hill Way Inc. Idaho Corp.
Address: PO Box 1979
San Mateo, CA 94401

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17696

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER

TRIBUTARY: JENSEN LAKE

QUANTITY: 0.300 CFS

PRIORITY DATE: 04/15/1920

POINT OF
DIVERSION: T01S R01W S6 NWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.300 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06	SESW	7.60	T01S R01W S06	SWSE	7.60
---------------	------	------	---------------	------	------

15.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.

11/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17696

NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401

SOURCE: WASTE WATER

TRIBUTARY: JENSEN LAKE

QUANTITY: 0.300 CFS

PRIORITY DATE: 04/15/1920

POINT OF DIVERSION:

T01S R01W S6 NWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.300 CFS

PLACE OF USE: IRRIGATION in ADA County

T01S R01W S06

SESW

7.60

T01S R01W S06

SWSE

7.60

15.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.



Idaho Department of Water Resources

SRBA Recommendation:

63-17696
(Irrigation)

Legend

●

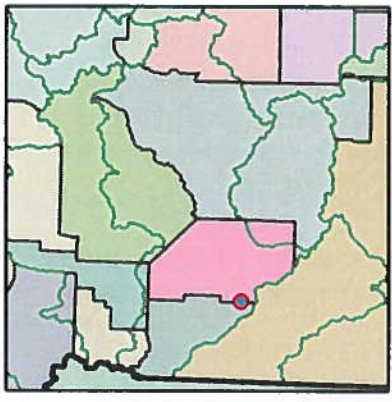
Point of Diversion

Place of Use

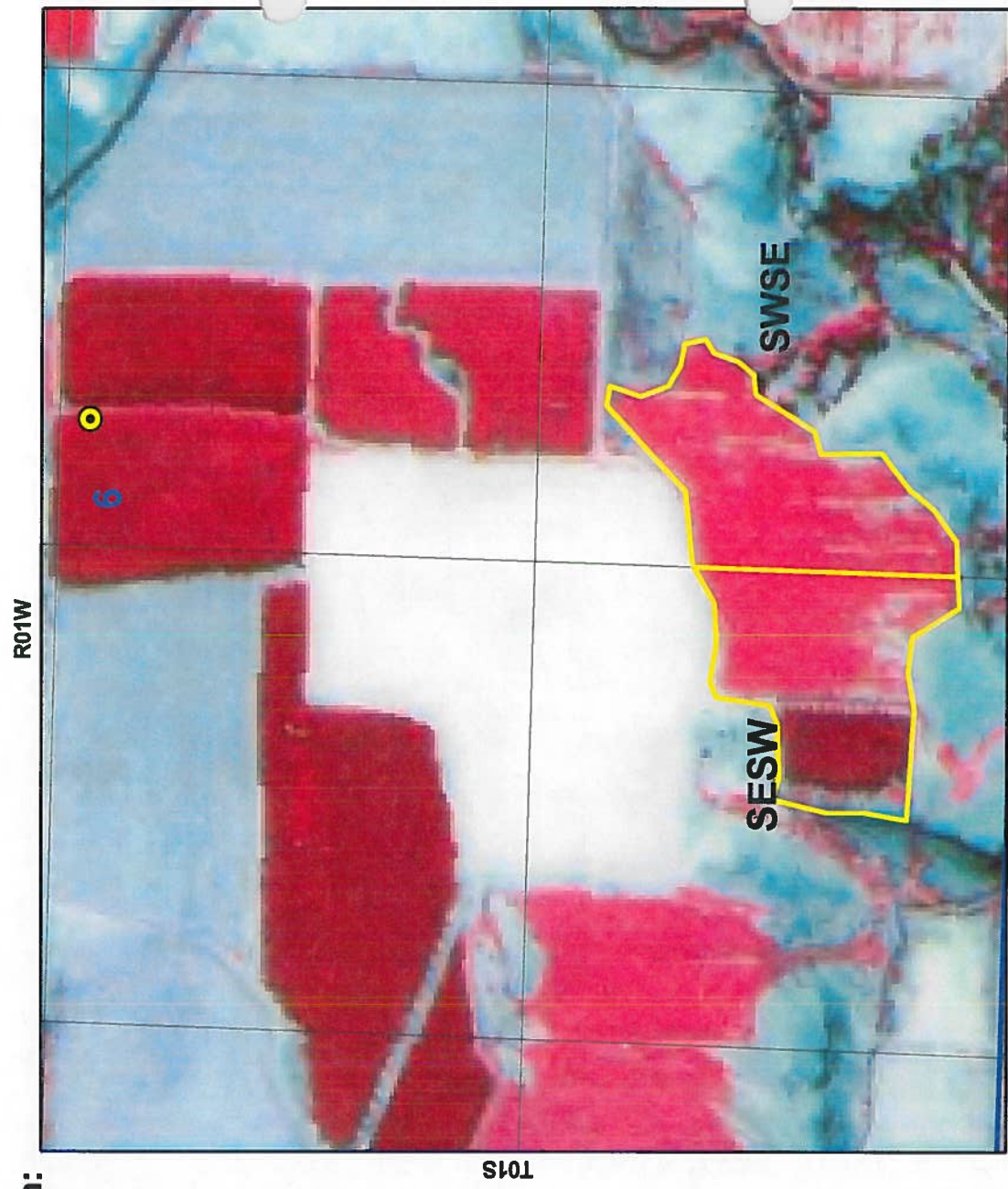
Townships

PLS Sections

Quarter Quarters



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Thursday, November 9, 2006
1987/88 Aerial Photography

MEMORANDUM

TO: ADJUDICATION FILES 63-17695, 63-17696, AND 63-17697

FROM: DANIEL A. NELSON

DATE: 11/9/06

SUBJECT: CLAIM FIELD EXAM

All three of the above claims were field by the same claimant, so I performed a field exam on all three exams on 10/27/2006. All three systems are basically separate as far as the wastewater use is concerned. Wastewater cannot be moved around from field to field. However, the Boise Kuna Irrigation District water is piped to each diversion point, so Boise Kuna water does overlap all three rights. All three rights use wastewater from neighbors fields. There are two separate neighbors that supply the wastewater. All three rights are located in Section 6, Township 1 South, Range 1 West in Ada County. All three rights request a diversion rate well over the allowable inch per acre, but no ditch loss information was submitted. Therefore, I suggest each right be limited to the standard inch or 0.02 cfs per acre standard. I will address the specific of each water right separately below:

63-17695:

The water for this right is captured in a drain ditch that enters the claimant's property in the NWSW. The ditch travels down the 40 acre tract line, and then turns just prior to entering the claimants property. I am very confident with the location of the point of diversion. The water in the ditch then goes to a small pond where Boise Kuna water is diverted, and both sources are delivered to the property. I couldn't use the pump for a measurement, since Boise Kuna water is needed to maintain the water supply for the pump.

Therefore, I performed a Mannings equation on the ditch. The Mannings equation shows that the ditch has the capacity to supply 0.43 cfs of water. There are 20 acres irrigated out of this wastewater system. Using the standard inch per acre or 0.02 cfs per acre, the maximum allowable diversion rate is 0.40 cfs. These numbers seem reasonable. I suggest that this claim be recommended as follows:

0.40 cfs for irrigation from 3/1 to 11/15

For irrigation of 20 acres described as 6.9 acres in the NWSW, 0.6 acres in the NESW, 6.4 acres in the SWSW, and 6.1 acres in the SESW

With the condition that Boise Kuna Irrigation District water is also used on these lands.

63-17696:

The water for this right is captured in a drain ditch that enters the claimant's property in the NWSE. The ditch travels down the center of the 40-acre tract. The water in the ditch then goes to a small pond where Boise Kuna water is diverted, and both sources are delivered to the property.

I performed a Mannings equation on the ditch just after it entered the property. The Mannings equation shows that the ditch has the capacity to supply 1.05 cfs of water. There are 15.2 acres irrigated out of this wastewater system. Using the standard inch per acre or 0.02 cfs per acre, the maximum allowable diversion rate is 0.30 cfs. These numbers seem reasonable. I suggest that this claim be recommended as follows:

0.30 cfs for irrigation from 3/1 to 11/15

For irrigation of 15.2 acres described as 7.6 acres in the SESW and 7.6 acres in the SWSE

With the condition that Boise Kuna Irrigation District water is also used on these lands.

63-17697:

The water for this right is captured in a drain ditch and pipeline that enters the claimant's property in the NWSE. The ditch travels down the eastern border of the 40-acre tract line, and enters the field being irrigated. Boise Kuna water is diverted into the same ditch that wastewater enters.

I performed a Mannings equation on the supply ditch, since it was the only mechanism for measurement. The Mannings equation shows that the ditch has the capacity to supply 31.20 cfs of water. This measurement seemed extremely high, and very unreasonable. I estimated the ditch capacity at approximately 1.00 cfs to 2.00 cfs capacity, but the only section of the ditch that could be measured was difficult to get to, and provided a poor measurement site.

However, only 5.6 acres are irrigated out of this wastewater system. Using the standard inch per acre or 0.02 cfs per acre, the maximum allowable diversion rate is 0.11 cfs. This ditch does have the capacity to supply the 0.11 cfs, so I suggest that this claim be recommended as follows:

0.11 cfs for irrigation from 3/1 to 11/15 for irrigation of 5.6 acres in the SWSE

With the condition that Boise Kuna Irrigation District water is also used on these lands.

T1S R1W S6
63-17696

SW

NESW

NWSE

SESW
7.6 acres

SWSE
7.6 acres

T1S R1W S6
63-17696

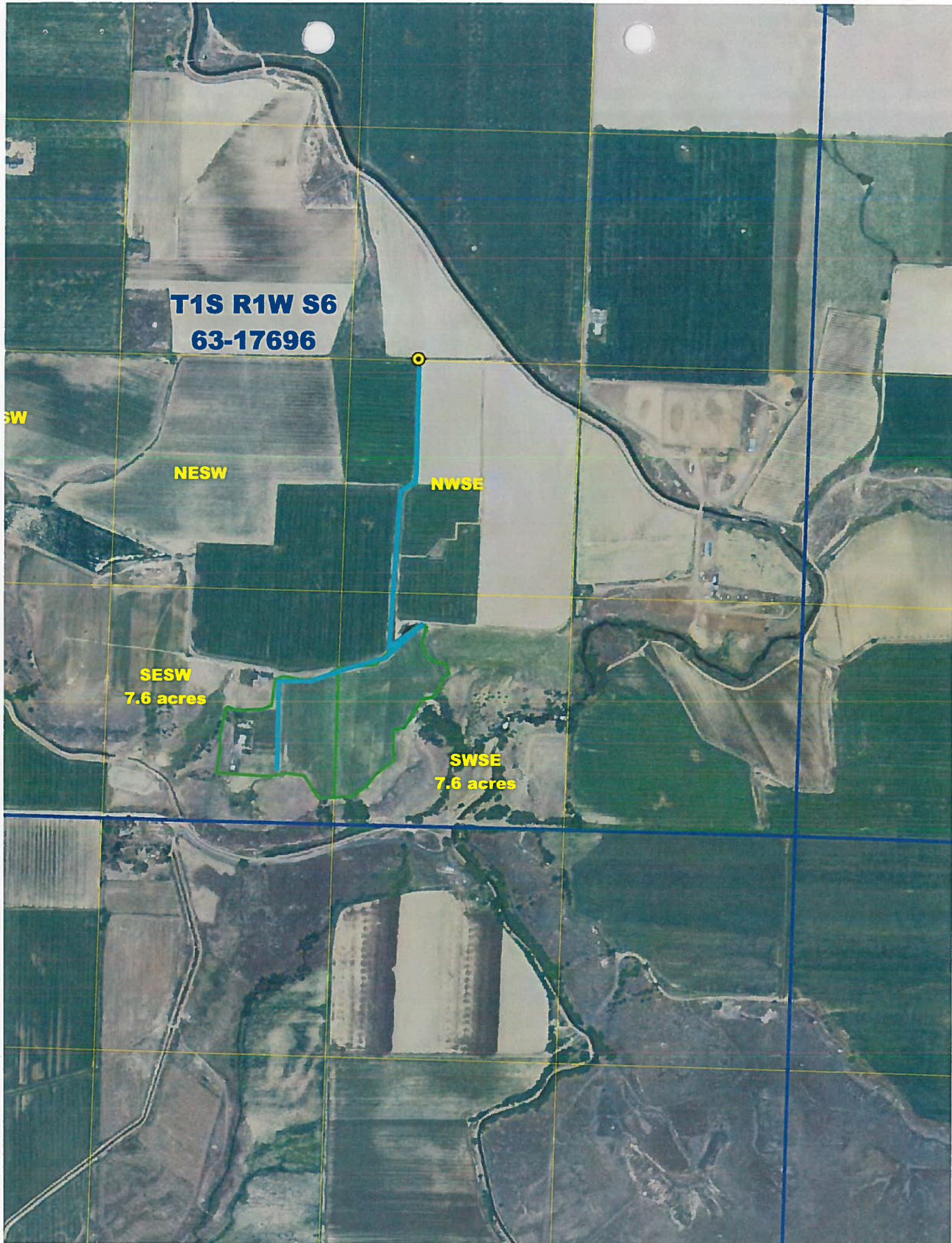
SW

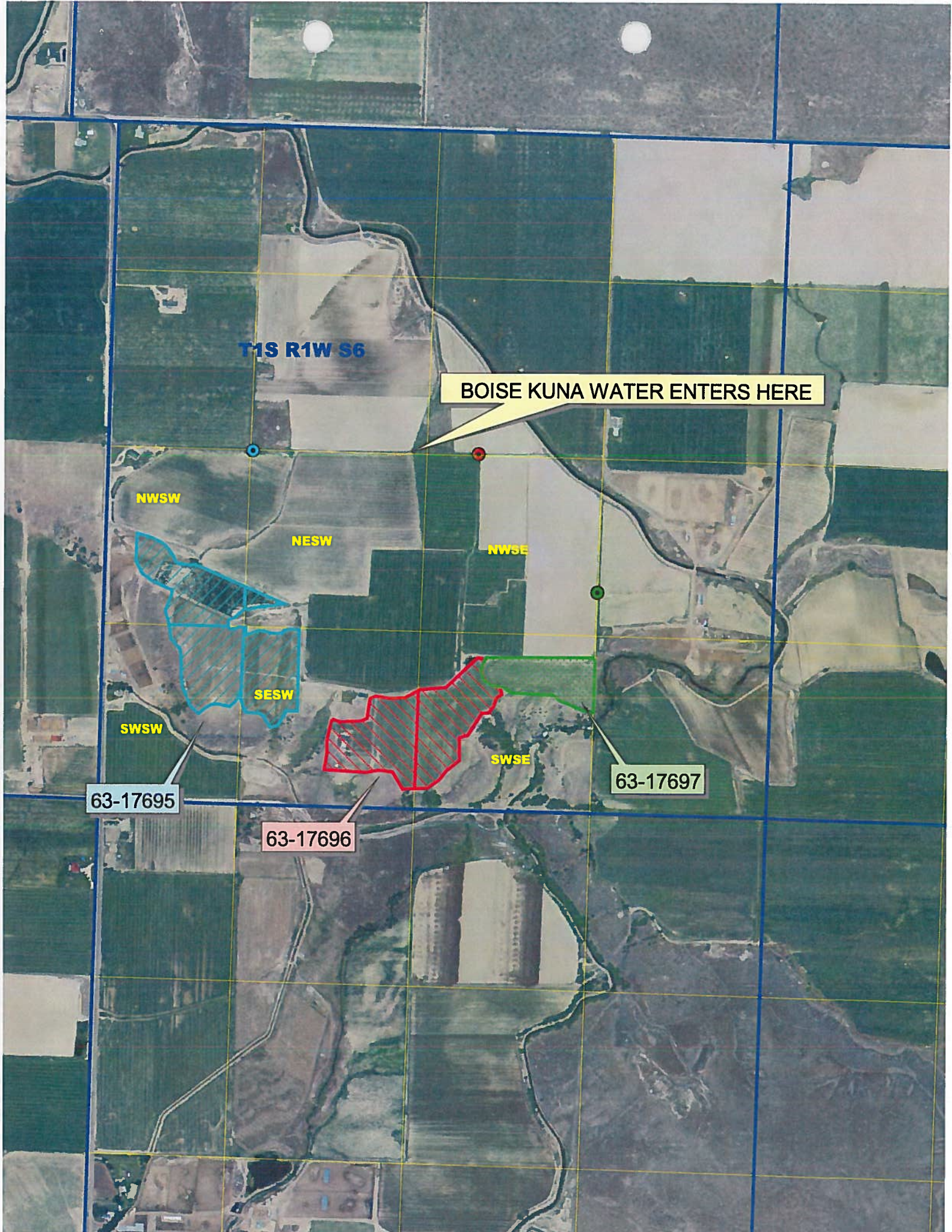
NESW

NWSE

SESW
7.6 acres

SWSE
7.6 acres





T1S R1W S6

BOISE KUNA WATER ENTERS HERE

NWSW

NESW

NWSE

SESW

SWSW

SWSE

63-17695

63-17696

63-17697

MANNING EQUATION CHANNEL CAPACITY RESULTS

11-08-2006

File Number: 63-17696

Claimant: Hill Way Inc. Idaho Corp.

Channel measured: Middle Ditch

Date of measurement: 10/27/2006

Measurement location:

Approximately 100 to 200 feet downstream of the diversion.

Calculation prepared by: Dan Nelson

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 100 feet.

The upstream and downstream rod readings are 6.77 and 7.94 feet.

The channel cross section is 1.26 ft-sq.

The wetted perimeter is 3.41 feet.

The hydraulic radius is 0.37 feet.

The slope is 0.0117

The roughness coefficient is 0.1000

The flow velocity is 0.831 ft/sec.

The rate of flow is 1.05 cfs.

CROSS SECTION NUMBER 1

For File Number 63-17696 for the Middle Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.45	0.45	0.50
3	0.69	0.69	1.00
4	0.73	0.73	1.50
5	0.52	0.52	2.00
6	0.26	0.26	2.50
7	0.00	0.00	2.80

The area for this cross section is 1.30 square feet
and the wetted perimeter is 3.23 feet.

CROSS SECTION NUMBER 2

For File Number 63-17696 for the Middle Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.28	0.28	0.50
3	0.55	0.55	1.00
4	0.55	0.55	1.50
5	0.57	0.57	2.00
6	0.30	0.30	2.50
7	0.00	0.00	2.90

The area for this cross section is 1.11 square feet
and the wetted perimeter is 3.21 feet.

CROSS SECTION NUMBER 3

For File Number 63-17696 for the Middle Ditch

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.18	0.18	0.50
3	0.28	0.28	1.00
4	0.86	0.86	1.50
5	0.87	0.87	2.00
6	0.47	0.47	2.50
7	0.00	0.00	3.20

The area for this cross section is 1.38 square feet
and the wetted perimeter is 3.79 feet.

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020	✓	(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005		(2)		.010		(2)
moderate	.010	✓	(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040	✓	(7)
					.050		(8)
				very high	.060		(9)
.075		(10)					
.100		(11)					
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00	✓	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010	✓	(3)	severe	1.30		(3)
	.015		(4)				

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 10/27/2006

FILE NUMBER 63-17696



The photo above shows the ditch from the neighbors fields traveling south through the owner's land to the bottom fields.



The photo below shows the bottom fields, and the fields being irrigated under this right.

Draft

11/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-17696
NAME AND ADDRESS: HILL WAY INC IDAHO CORP
PO BOX 1979
SAN MATEO CA 94401
SOURCE: WASTE WATER TRIBUTARY: JENSEN LAKE
QUANTITY: 0.800 CFS
PRIORITY DATE: 04/15/1920 - *affidavit in file*
POINT OF DIVERSION:
T01S R01W S6 NWNWE Within ADA County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-1 3/15 11/15	1.000 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

per field exam

PLACE OF USE: IRRIGATION Within ADA County
T01S R01W S06 SESW 10.0 7.6 T01S R01W S06 SWSE 10.0 7.6
15.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Boise Kunc -

SCANNED
APR 14 2008

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-17696 V1

WATER RIGHT NUMBER: 63-17696 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HILL WAY INC IDAHO CORP PO BOX 1979 SAN MATEO, CA 94401
Original Owner	RIO RANCH ESTATES LLC 14144 S CAN ADA RD MELBA, ID 83641 (208) 495-2772
Original Owner	DENNIS P CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772
Original Owner	LINDA CHARTERS 14144 S CAN-ADA RD MELBA, ID 83641 (208)495-2772

Priority Date: 04/15/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	JENSEN LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.000 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4NW1/4SE1/4	Sec. 6,	Twp 01S,	Rge 01W, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	6												10.0			10.0		20.0

Total Acres: 20

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-17696 V1

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/17/2004 2:50:28 PM	awarntje			Active
Contacts	12/17/2004 2:50:38 PM	awarntje			Active
Priority Date	12/17/2004 2:51:55 PM	awarntje			Active
Source	12/17/2004 2:52:46 PM	awarntje			Active
POU	12/17/2004 2:57:02 PM	awarntje			Active
POD	12/17/2004 2:58:54 PM	awarntje			Active
Use	12/17/2004 2:59:30 PM	awarntje			Active
Season	12/17/2004 3:00:54 PM	awarntje			Active
Quantity	12/17/2004 3:01:25 PM	awarntje			Active
Summary			12/17/2004	awarntje	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/17/2004 2:56:25 PM	awarntje	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-17696 V1

Contacts	12/17/2004 2:50:29 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file & dtuthill will conduct field exam
Contacts	12/17/2004 2:50:38 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
Priority Date	12/17/2004 2:51:56 PM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - affidavit of claimaint
Source	12/17/2004 2:52:47 PM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - affidavit of claimant
POU	12/17/2004 2:57:03 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photo
Use	12/17/2004 2:59:31 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or

condition required?

Description for Question 10,11,12 - aerial photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-17696 V1

Season	12/17/2004 3:00:54 PM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	12/17/2004 3:01:25 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POD	12/17/2004 2:58:33 PM	awarntje	Edited point location
POD	12/17/2004 2:58:54 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Summary	12/17/2004 3:02:20 PM	awarntje	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

RECEIVED

AUG 17 1995

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

463-17695)
463-17696)
463-17697)
State of Idaho)
County of Ada)

Dennis P. Charters being first duly sworn,
deposes and says: ^{I am} ~~He is~~ a resident of Ada County,
having been born & raised on the property
in which the waste water right is in
question. The farm was purchased by
my grandfather Harry Charters in the late
20's or early thirties, & was then operated
by his father Harry Charters Jr. during
my childhood until my teenage years,
in the sixties in which I had an active
part in the farm management until
such time I purchased this farm & later
acquired the Haggert property from my father's
estate. At all times the waste water on the
above mentioned claims were utilized.

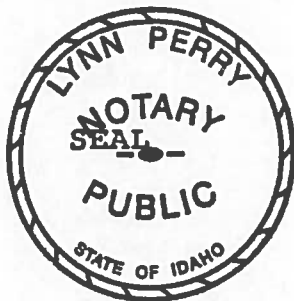
Dennis P. Charters
(Signature)

Subscribed and sworn to before me this
day 16th of Aug., 1995.

Lynn Perry
(Notary Public)

Residing at Melba.

My Commission Expires 11-12-98.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region. 2735 Airport Way, Boise. Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-17696
DENNIS CHARTERS
LINDA CHARTERS
14144 S CAN-ADA ROAD
MELBA ID 83641

Re: Claim No(s). A63-17695

A63-17696, A63-17697

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh
Enclosures